

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The title has been amended to change spellings in accordance with United States English and thereby overcome the applied objection.

Claims 1-14 have been canceled in favor of new claims 15-17. Support for the subject matter of claims 15-17 is provided at least in the original claims, Fig. 5, and paragraphs 28 and 31 of the specification.

Claims 1-3, 5, and 12 were rejected, under 35 USC §102(e), as being anticipated by Rhee (US 2002/0181494). Claim 4 was rejected, under 35 USC §103(a), as being unpatentable over Rhee in view of Li (US 7,099,954). Claims 6-10 and 13 were rejected, under 35 USC §103(a), as being unpatentable over Rhee in view of Baillargeon (US 2004/0052212). Claims 11 and 14 were rejected, under 35 USC §103(a), as being unpatentable over Rhee in view of Baillargeon and Li. To the extent these rejections may be deemed applicable to new claims 15-17, the Applicants respectfully traverse based on the points set forth below.

New claim 15 defines a method of exchanging signaling information within a communication network so as to dynamically

adjust the sending rate at which a packet switched streaming sender communicates packets to a mobile terminal. Specifically, the sending rate is adapted according to:

$$X_{\text{next}} = \min \{ \max \{ \min \{ 2 * X, 2 * X_{\text{recv}} \}, s / R \}, X_{\text{max}} \}, \text{ where}$$

X_{next} is the next sending rate,

X is the current sending rate,

X_{recv} is the receiving rate at the mobile terminal,

s is the packet size,

R is the round trip time, and

X_{max} is the maximum or guaranteed bit rate for downlink.

For this purpose, parameter X_{max} is regularly reported by the mobile terminal to the streaming server within PDP context information. Parameter X_{max} may change during an ongoing streaming session. It is noted that this is not possible via Rhee's disclosed RTSP scheme.

By contrast to the present claimed subject matter, Rhee discloses a receiver that calculates a transmission rate for a sender and communicates the calculated transmission rate to the sender (see Rhee's abstract, lines 2-5). Thereafter, the sender communicates all packets to the receiver at the rate calculated by the receiver (see abstract, lines 6-7).

Thus, Rhee only discloses adjusting a sending rate at the beginning of a streaming session. Rhee discloses no mechanism for adapting the streaming rate during an ongoing session.

Moreover, Rhee discloses that the receiver calculates the sender's transmission rate, whereas claim 15 recites that the sender calculates the transmission rate based on information provided by the receiver. Also, Rhee's system cannot calculate the transmission rate according to the present claimed method because Rhee does not consider the round trip time for communicating packets from the sender to the receiver and then back to the sender.

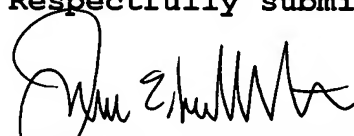
Li and Baillargeon are not cited for supplementing the teachings of Rhee with regard to the above-mentioned features of claim 15.

Accordingly, the Applicants respectfully submit that the applied references, considered alone or together, do not teach or suggest the subject matter defined by new claim 15. Independent claim 16 similarly recites the above-mentioned features distinguishing method claim 15 from the applied references, but with respect to an apparatus. Therefore, allowance of claims 15 and 16 and dependent claim 17 is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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Date: January 31, 2008
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